

### Amendments to the Claims

1-52 (Cancelled)

53. (New) An *Aspergillus* mold fungus having no detectable  $\beta$ -fructofuranosidase activity, which is missing all or part of a  $\beta$ -fructofuranosidase gene on its chromosome DNA.

54. (New) The *Aspergillus* mold fungus according to claim 54, which is *Aspergillus niger* NIA 1602 (FERM BP-5853).

55. (New) A process for producing a  $\beta$ -fructofuranosidase comprising:  
transforming the mold fungus according to claim 53, using a DNA construction comprising a DNA encoding a  $\beta$ -fructofuranosidase,  
cultivating the transformant, and  
collecting the  $\beta$ -fructofuranosidase from the transformant and/or the culture thereof.

56. (New) A process for producing a  $\beta$ -fructofuranosidase comprising:  
transforming the mold fungus according to claim 54, using a DNA construction comprising a DNA encoding a  $\beta$ -fructofuranosidase,  
cultivating the transformant, and  
collecting the  $\beta$ -fructofuranosidase from the transformant and/or the culture thereof.